

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

TAMMI JO MOORE,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-01391

NANCY A. BERRYHILL,

Defendant.

**ORDER**

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On January 24, 2018 Judge Eifert submitted her Proposed Findings & Recommendations [ECF No. 23] (“PF&R”) and recommended that the court **GRANT** the plaintiff’s request for judgment on the pleadings [ECF No. 16] to the extent that it requests remand of the Commissioner’s decision; **DENY** the defendant’s request to affirm the decision of the Commissioner [ECF No. 17]; **REVERSE** the final decision of the Commissioner; **REMAND** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the PF&R; and **DISMISS** this action from the court’s docket. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** the plaintiff's request for judgment on the pleadings to the extent that it requests remand of the Commissioner's decision; **DENIES** the defendant's request to affirm the decision of the Commissioner; **REVERSES** the final decision of the Commissioner; **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the PF&R; and **DISMISSES** this action from the court's docket. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 13, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE